

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, JANUARY 31, 2006
9:00 A.M.**

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, JANUARY 30, 2006
4:00 P.M.**

ROLL CALL

Invocation – Fire Chaplain Ed Sinke
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. "K" DAY IN EL PASO
2. BLACK HISTORY MONTH

RECOGNITIONS

RECOGNITION OF CITY EMPLOYEES FOR YEARS OF SERVICE

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA**1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of January 24, 2006, Corrected Minutes of December 13, 2005 and Special City Council Meeting Minutes of July 27, 2005, January 9, 2006, January 13, 2006 and January 19, 2006.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. That the City Manager be authorized to sign an Overhead Electrical Easement which would allow the El Paso Electric Company to provide overhead electrical service to the Environmental Services Delta Citizen Drop Off Site, located within E. R. Tally Survey #7, El Paso, El Paso County, Texas. **(District 3)**
[Engineering Department, Rick Conner, (915) 541-4200]

3B. Resolution authorizing the City Manager to sign any and all change orders, contracts, and amendments to contracts necessary and proper for the prompt completion of the Plaza Theatre Performing Arts Center, the Annex, and Arts Festival Plaza projects in an amount not to exceed the amounts budgeted by City Council and contributed by the El Paso Community Foundation. **(District 8)**
[Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]

4. BOARD APPOINTMENTS:

4A. Russell C. Smith, P.G. CET, CHMM to the Brownfields Redevelopment Board by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]

4B. James (Jim) Welshimer to the Community Development Steering Committee by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]

4C. Daniel L. Barnes to the International Bridge Commission by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

4D. Keith H. Pannell to the Brownfields Redevelopment Board by Representative Presi Ortega, Jr. District 5. [Representative Presi Ortega, Jr., (915) 541-4189]

4E. Jane Ratcliff to the Greater El Paso Civic, Convention & Tourism Advisory Board by Representative Melina Castro, District 4.
[Representative Melina Castro, (915) 541-4400]

5. Request that the Deputy Director of Financial Services-Purchasing Division be authorized to exercise the City's option to extend the term of the contract for the first year of a two year option from February 12, 2006 through February 11, 2007, pursuant to the provisions of contract 2003-049, Workers Compensation 3rd Party Administrator with Ward North America, Inc.

Option No: ONE [OF TWO]
 Account No: 99100255-45122-502200
 Funding Source: Workers Compensation-Benefits Administrator
 Amount: \$967,985.00 Estimated Annually
 Department: OMB/Insurance & Benefits
 [Financial Services, Ray Heredia, (915) 541-4316]

6. **CHANGE ORDER:**

Approve Change Order No. Two (2) (Scope Change), to Blair-Hall Co., Inc., for Contract No. 2005-062, Citywide Parks Bid Package #3 project, for an increased amount of \$73,963.40. Change Order also adds One Hundred Thirteen (113) days to the contract time. The purpose of this change order is to resurface the two remaining tennis courts and basketball courts at Cielo Vista Park, per Parks and Recreation Department request. The revised scheduled completion date is February 15, 2006.

Current Contingency: \$ 84,226.00
 Prior Change Orders: \$ <1,037.21>
 Proposed Change Order: \$ 73,963.40
 Remaining Contingency: \$ 10,262.60
 Location: 9300 Cosmos Avenue
 District: 3
 [Financial Services, Byron Johnson, (915) 541-4313]

7. **BIDS:**

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

7A. Solicitation No. 2006-070 Cal Hypo Chlorine 3" Tablets
 Award to: D. Gilmore Distributing Company, inc.
 El Paso, Texas
 Item(s): #1
 Amount: \$35,612.50 (estimated annually)
 Department: Parks and Recreation Aquatics
 Funds available: 51010256-503126-01101
 Funding source: Parks and Recreation General Maintenance Fund
 Total award: \$106,837.50 (estimated)
 District (s): All

Parks & Recreation Department and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.
 [Financial Services, Jesus M. Juarez, (915) 541-4317].

7B. Solicitation No. 2006-071 Elevator and Escalator Maintenance (Airport)
Award to: ThyssenKrupp Elevator
El Paso, TX
Item(s): All
Amount: \$161,739.00 (estimated)

Department: Aviation
Funds available: 62620003-503121-40101
Funding source: Airport Operating Funds
Total award: \$161,739.00 (estimated)
District (s): 3

The Department of Aviation and the Financial Services Department-Purchasing Division recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a Thirty-Six (36) month requirements-type Contract for the Department of Aviation.

Vendor offers the City the option of extending the term of the contract for Twenty-Four (24) additional months at the same unit prices, if the option is exercised within two (2) or three (3) years from the date of award of the contract. Vendor does not offer a prompt payment discount.

[Financial Services, Enrique Acosta, (915) 541-4267].

8. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events. [Development Services, R. Alan Shubert, (915) 541-4560]

Jennifer Gomez to block off Thunder Ridge between 2000 and 2072 on February 5, 2006 from 10:00 a.m. to 10:00 p.m. for a Super Bowl Block Party. Approximately 150 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (2 speakers). PERMIT # 06-003 [Jennifer Gomez] **(District 6)**

NO OBJECTIONS FROM FIRE AND SUN METRO. ENGINEERING DEPT/TRAFFIC DIVISION HAS NO OBJECTION TO THE PROPOSED STREET CLOSURE FOR BLOCK PARTY. BARRICADES MUST BE MANNED IN ACCORDANCE WITH TEXAS MANUAL ON UNIFORMED TRAFFIC CONTROL DEVICES AND HAVE BEACONS (FLASHERS) FOR NIGHT-TIME OPERATION. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

REGULAR AGENDA**9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance authorizing the City of El Paso to sell a 0.1825 acre, more or less, parcel of land, being a portion of Lots 17, 18, 19, 20 and 21, Block 65, Franklin Heights Addition (1001-1005 East Yandell), El Paso, El Paso County, Texas to Jose Gardea. **(District 8)** [Financial Services, Gonzalo Cedillos, P.E. (915)541-4074]
- 9B.** An Ordinance granting a Special Privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Avenue between Mesa Street and Stanton Street for a "Mardi Gras Street Festival" on Tuesday, February 28, 2006 and Wednesday, March 1, 2006. (Fee: \$137.50, SP-05028, **(District 1)** [Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 14, 2006 FOR ITEM 9A –9B

- 9C.** An Ordinance changing the zoning of Tract 10-A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Borderland Road and Westside Drive. Applicants: E.P.V.W. LLC - James Volk, Welzie W. Webb and Juanita G. Webb Revocable Trust; Philippos Philippou, Edward Ecudero; F. James Volk. ZON05-00141 **(District 1)** [Planning, Christina Valles, (915) 541-4930]
- 9D.** An Ordinance granting Special Permit No. ZON05-00142, to allow for a Planned Residential Development on Tract 10-A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Borderland Road and Westside Drive. Applicants: E.P.V.W. LLC - James Volk, Welzie W. Webb and Juanita G. Webb Revocable Trust; Philippos Philippou, Edward Ecudero; F. James Volk. ZON05-00142 **(District 1)** [Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 21, 2006 FOR ITEM 9C –9D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

10. MAYOR AND COUNCIL:

10A. Discussion and action to eliminate pre-Council meetings.

[Representative Jose Alexandro Lozano, (915) 541-4515]

10B. Discussion and action to cancel standing special meetings for executive session on Mondays. [Representative Jose Alexandro Lozano, (915) 541-4515]

11. DEVELOPMENT & INFRASTRUCTURE SERVICES:

11A. Discussion & Action on establishing the policy direction regarding parkland dedication, and directing the City Manager to prepare an immediate Code amendment to Title 19 (Subdivisions) to reflect this new policy direction as requested by the Planning & Development Services Legislative Review Committee:

- Increase to the parkland dedication requirement (calculation) for single-family, two-family, and multi-family developments;
- Increase to the fees paid in lieu of parkland dedication requirement for single-family, two-family, and multi-family developments; and
- Increase or decrease to the park size minimum allowed to be dedicated as part of residential developments. **(All Districts)**

[Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]

11B. That the City Manager be authorized to sign a Development Agreement, and subsequent amendments or extensions, by and between the CITY OF EL PASO, the EL PASO WATER UTILITIES-PUBLIC SERVICE BOARD, RANCHOS REAL IV, LTD., and RIVER OAKS PROPERTIES, LTD., to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's East Extraterritorial Jurisdiction and containing 2,287.593 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities-Public Service Board.

(East Extraterritorial Jurisdiction - Adjacent to District #5)

[Development Services-Planning, Rudy Valdez, 541-4635]

12. FINANCIAL SERVICES AND ADMINISTRATIVE SUPPORT:

That the City Council authorizes the attorneys representing the City to file a Motion in Intervention on behalf of the City and a request for hearing in the matter of EL PASO ELECTRIC COMPANY'S PETITION FOR AUTHORITY TO INCREASE FUEL FACTOR AND FOR FUEL SURCHARGE, PUBLIC UTILITY COMMISSION DOCKET NO. 32240, SOAH DOCKET NO. 473-06-1028. [Deputy City Manager, Financial Services and Administrative Support, William Studer, (915) 541-4011]

13. PUBLIC HEARINGS – MAYOR AND COUNCIL:

An Ordinance amending Title 5 (Business Taxes, Licences, and Regulations), Chapter 5.12 (Amusement Devices) of the El Paso Municipal Code to Amend 5.12.010 (Definitions) to add definitions of Amusement Game Machines and Amusement Redemption Machines.

(All Districts) [Representative Jose Alexandro Lozano, (915) 541-4515] **POSTPONED FROM 1/24/06**

14. PUBLIC HEARING AND BID – FINANCIAL SERVICES:

- 14A.** Discussion and action to declare Spartan Construction Services Inc., in default on Bid 2005-254, Teakwood Road & Sequoia Court Street & Drainage Improvements, for failure to execute and deliver the performance and payment bonds. Consequently the contract is hereby terminated. The security deposit on file with the City shall be retained as liquidated damages pursuant to section 9 of the Information for Bidders section of the bid document.

Solicitation No 2005-254, Teakwood Road & Sequoia Court, Street & Drainage Improvements was awarded to Spartan Construction Services, Inc., on October 25, 2005, in the amount of \$535,664.00.

[Financial Services, Byron E. Johnson, (915) 541-4308]

- 14B.** Solicitation No: 2005-254 Teakwood Road and Sequoia Court, Street and Drainage Improvements
- Contractor: Danny Sander Construction, Inc.
El Paso, Texas
- Department: Streets
- Funds Available: 71150069-G7130CD0021-07803-508027
71150069-G7130CD0022-07838-508027
- Funding Source: Community Development Grants
G7130CD0021 &
G7130CD0022
- | | | |
|----------------------------|------------|--------------|
| Items: | Base Bid 1 | \$493,175.50 |
| | Base Bid 2 | \$ 38,682.00 |
| | Base Bid 3 | \$ 41,345.00 |
| Total Award: | | \$573,202.50 |
| Estimated Completion Date: | | June 2006 |
| District(s): | | 3 |

RECOMMENDATION:

Discussion and action to award bid for the construction of the Teakwood Road & Sequoia Court, Street & Drainage Improvements, Contract No. 2005-254 to Danny Sander Construction, Inc. The Departments of Engineering and Streets recommend the award of this contract to Danny Sander Construction, Inc. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract in a form approved by the City Attorney's Office.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Financial Services, Byron E. Johnson, (915) 541-4308]

15. PUBLIC HEARINGS – PLANNING:

- 15A.** An Ordinance repealing Ordinance Number 16156, which changed the zoning of Tract 2A, Block 1, Ysleta Grant and Tract 3B, Block 56, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch - Farm) to C-3 (Commercial) due to an incorrect legal description. **(District 6)** [Planning, Christina Valles, (915) 541-4930]
- 15B.** An Ordinance changing the zoning of 24.566 acres out of and a part of Tract 2A, Block 1, Ysleta Grant and Tract 3B, Block 56, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch - Farm) to C-3 (Commercial) and imposing certain conditions. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: Loop 375 and North Loop Drive. Applicant: Ben L. Ivey Ltd. ZON05-00055. **(District 6)** [Planning, Christina Valles, (915) 541-4930]
- 15C.** An Ordinance terminating a Special Privilege granted to Chevron U.S.A. Products Company by Ordinance Numbers 011466 and 011699; to Chevron Products Company by Ordinance Number 015502; and to El Paso Refining, Inc. by Ordinance Numbers 010242, 010166 and 010167 to encroach onto portions of public rights-of-way within Trowbridge Drive, Texaco Street and North Loop Drive; and an Ordinance granting a Special Privilege to Western Refining Company, L.P. to permit the construction, installation, maintenance and operation of various multi-product pipelines and utility lines along portions of public right-of-way at Trowbridge Drive and Texaco Road, and to allow the construction and encroachment of an overhead bridge across a portion of public right-of-way along Trowbridge Drive. (Annual Fee: \$9,790.00.00, SP-05026) **(District 3)** [Planning, Esther Guerrero, (915) 541-4720]

- 16.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>